

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-050300

05/22/2012

HONORABLE LINDA H. MILES

CLERK OF THE COURT
R. Tomlinson
Deputy

MARKET STREET MERCHANT SERVICES
INC, et al.

MARKET STREET MERCHANT
SERVICES INC
8912 E PINNACLE PEAK RD
STE F9-643
SCOTTSDALE AZ 85255

v.

JOSEPH GARCIA, et al.

JOSEPH GARCIA
NO ADDRESS ON RECORD

JAN GROSSMAN
RICHARD MLADICK
8912 E PINNACLE PEAK RD
STE F9-643
SCOTTSDALE AZ 85255

MINUTE ENTRY

The Court has received and considered Defendant Spoon Logic, LLC's Motion to Dismiss Complaint Pursuant to Rule 12(b)(7) of the Arizona Rules of Civil Procedure, filed March 26, 2012, and Plaintiffs' Motion to Dismiss Complaint Without Prejudice, filed April 26, 2012.

In its Motion to Dismiss, Defendant Spoon Logic, LLC requests that the Court dismiss Plaintiff's Complaint with prejudice for failure to join the real party in interest. In support of its Motion, Defendant cites to Exhibit B to the Complaint. Unfortunately, the exhibits referenced in the Complaint are not attached to the Complaint on the Court's docket. Presumably, Plaintiffs

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overlooked attaching the exhibits before filing the Complaint with the Clerk of the Court. Because the Court is unable to review Exhibit B,

IT IS ORDERED denying Defendant's Motion to Dismiss.

IT IS FURTHER ORDERED granting Plaintiffs' Motion and dismissing this matter without prejudice pursuant to Rule 41(a)(1)(A), Ariz.R.Civ.P. Although a formal Order is not necessary, the Court nonetheless signs this minute entry as a formal Order of the Court.

NOTICE: Due to rotation of judicial officers, effective June 25, 2012, all civil matters assigned to the Honorable Linda H. Miles will be assumed by the Honorable Michael D. Gordon.

/ s / HONORABLE LINDA H. MILES

JUDICIAL OFFICER OF THE SUPERIOR COURT

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.